

Library

THE DAILY NEWS.
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OPPOSITE CITIZENS' BANK.
RATES OF SUBSCRIPTION IN ADVANCE.
One year, by mail, postage paid, \$5.00
Six months, " " 3.00
Three months, " " 2.00
One month, " " .75
To City Subscribers, delivered in any
part of the City, 12½ cents per week.

LIQUORS.
Liquors
We are requesting to day, one car load of
CIGARIA WHISKEY and have con-tain-
gion the purest brands of CIGAR and
CIGARIA WHISKEY ever offered in this mar-
ket. R. F. JONES & CO.

CLIPS LIQUOR STORE & SAMPLE ROOMS.

No. 3 Exchange Place, North Side.
The Best Stock of Liquors in the State.
Thankful to the public for the very large patronage
we have received, desire to say to my innumer-
able friends, that we will do our best to supply
Trade with
C O F F E E W H I S K Y S.

W. F. JONES & CO.
Proprietors
of the
Cigar
and
Whisky
Stores
in
the
City
of
Raleigh.

W. F. JONES & CO.

MISCELLANEOUS.

1875.

DRY GOODS!! DRY GOODS!!

LARGE ADDITIONS TO OUR
stock during the present week have
given every department in our line and
enable us to offer the

MOST COMPLETE ASSORTMENT,

we have ever had and as we sell for CASH
our prices have been made unusually low.
We have a large variety of DRY-GOODS
suited to the seasons and styles.

Handsome White and Colored Pictures
of Prints, Pictures, &c.

ORGANDIES, LAWNS, CAMBRICS,
GESS CLOTH, and LINEN LAWNS.

Just received 500 pair Ladies' Hose, good
quality, at 10 cents a pair.

500 pair of Girls' Hair Hose, good qual-
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Newest styles of GENTS, all kinds, for Men
& Boys.

Clothes, waistcoats and Cottonades, for
boys and boys wear.

Fox Garters, good quality, at \$2.00. Can't
be beaten in the State.

Straw Matting at prices lower than any
in the city.

Now is the time to save your money,
and soon buy your goods of us.

my 11-3m PETTY & JONES,
Musical Recorder and Christian Advocate
superior.

CHANGE OF SCHEDULE

RALEIGH & AUGUSTA AIR-LINE,
St. Louis, Mo., April 1st, 1875.

On and after Tuesday, April 1st, 1875,
trains on the R. & A. L. R. will run
daily, (Sunday excepted) as follows:

MAIL TRAIN.

Train leaves Raleigh, 4:00 P. M.
Arrives at Sanford, 6:25 A. M.
Leaves Sanford, 7:00 A. M.
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Leaves Raleigh, 5:15 A. M.
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Leaves Sanford, 12:30 P. M.
Arrives at Raleigh, 5:15 P. M.

Passenger train leaves Raleigh with
Raleigh with the Raleigh and Gaston Rail-
road, bound from all points North.

The buck beer that went off so rapidly
at Joseph's saloon yesterday, was from
the celebrated brewery of Robert Lauer of
Cincinnati, who, the beer drinkers say, manufactures
the finest article that is brought to the
city.

We were mistaken yesterday in stat-
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employed the Citizens' Cornet
Band for Centennial purposes. The
Raleigh Light Artillery pays half
the expenses of the band, and should
have been so reported.

BONITZ of the Merchants Club
House, at Goldsboro, feasted the re-
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city, on Book Beer. We saw quite
a number that expressed great satis-
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obtained at his Restaurant, each of
whom would command him to all
travellers to Goldsboro. Bonitz we
know, and we know him to be one
of the finest restaurateurs of this
country. Remember the Merchants
Club House when you go to Golds-
boro.

C. A. KRAUS.

Fresco and Sign Painter,

Shop, back of Williams & Haywood's
Drug Store, ap 27-1y

N. O. T. I. C. E.

Mrs. M. C. COOGIN and Sister will
conduct the DRES-MAKING and TA-
LORING BUSINESS on Martin street,
between Broad and Trade.
They respectfully invite a trial.
my 4-1f

FRESH ARRIVAL.

Fresh Pine Apples,
Fresh Oranges,
Fresh Lemons,
Fresh Bananas,
Fresh Apples,
Soda and Mineral Waters at
MOSELEY'S

my 6-1f

HORSES FOR SALE.

These horses will be sold low. Terms
very easy. All sound and gentle. Sold
for want of use. Apply to

JULIAN LEWIS & CO.,
Hardware Dealers, Fisher's Building,
Raleigh, N. C.

NEW N. C. CUT HERRINGS

in barrels and half barrels.
my 12 W. C. & A. B. STRONACH.

O LD ROE HERRINGS IN HALF

barrels.
my 12 W. C. & A. B. STRONACH.

10 BARRELS LARGE TABLE

rotated received 10-12
my 12 W. C. & A. B. STRONACH.

TRENTON BUTTER

CRACKERS, 10 cents per lb.
We offer what we consider a large
stock on hand, and wishing to sell while
they're fresh.
my 12 W. C. & A. B. STRONACH.

FRESH TOMATOES, CORN,

Pineapple, & other canned
goods just received.
my 12 W. C. & A. B. STRONACH.

PEARL HOMINY AND GRITS,

New Caro. R. Co.
W. C. & A. B. STRONACH.

NEW NO. 1 AND B. MACK-

REL, just received.
my 12 W. C. & A. B. STRONACH.

MOCHA, OLD GOV, JAVA,

Ceylon, Lagnaya and Rio Coffee,
my 12 W. C. & A. B. STRONACH.

ONE OF THE LARGEST

stocks of Hosiery and Handkerchiefs
in the city you will find at

J. R. ROGERS & CO.,
Prairie Building, Williamson St.

"CAMP'S" GINGER SNAPS.

Ginger's Milk and No. 1 Soda Biscuit.

All fresh goods.
W. C. & A. B. STRONACH.

JUST ARRIVED.

Hamburg Nets, for Over-skirts and Ja-
ckets.
my 8 W. H. & R. T. TUCK R.

THE DAILY NEWS.

RALEIGH, N. C., SUNDAY MORNING, MAY 16, 1875.

PRICE: FIVE CENTS.

VOL. VII NO. 65.

LOCAL MATTER.

E. C. WOODSON, City Editor.

NOTICE. The subscription list of the
DAILY NEWS is larger than that of any other
Daily in the State, and is equal to that of any other Daily in
Raleigh. Advertisers should make a
note of this.

THE WEEKLY NEWS FURNISHED
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SIX MONTHS, " " 3.00;
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SUNDAY MAY 16, 1851.

THE POWER AND JURISDICTION OF THE LEGISLATIVE DEPARTMENT OF THE STATE OVER THE REGULATION OF THE GAUGE OF RAILROADS, ILLUSTRATED AND SHOWN AS THEIR USE AND EMPLOYMENT AS MEANS OF COMMERCE.

and destroy human life, without an overwhelming necessity for the common welfare of humanity, are void.

Assuming then, that where there is no contract between the sovereign and a Railroad Company as to the width of the gauge, and that the company is unfettered by legislative restraint, it selects its own, provided it do not endanger, and as will endanger human life, the question arises, had the Legislature the power at any time thereafter to regulate the gauge for the benefit of the internal commerce of the State? It will be conceded in such cases, that, if the gauge has not been adopted and established, the Legislature may prescribe it, because when there is no contract, as in the case of the gauge, there is no contract to be impaired by prescribing one. But let us suppose that where none is stipulated a certain gauge has been adopted and used by the company which is alleged to be hostile to the commercial interests of the State, it is manifest that no power exists than that of the Legislature to take from the power of the sovereign, that for which all governments are organized—protecting the general welfare, by adopting such measures as a new state of things might make necessary for the benefit of the public; in other words, it is unreasonable to suppose an intention to surrender the means by which it may thereafter be able to effect the purpose for which it was established, or to submit itself to the control of a corporation.

Craig v. Com. Lim., 24 ed., chap. 16, p. 522, and note.

Another interesting phase of the change of gauge as recently made in this State, may present itself in regard to the power of Congress to regulate commerce among the States, which shall not discuss.

There is doubt, however, whether the gauge is altogether *internal*, when the navigable waters lie wholly within a State; nor that the State in such case has supreme jurisdiction over this commerce.

It follows, that to establish a contract on the part of the Legislature to relinquish any of its powers, plain and unequivocal words must be used.

For instance, if its charter authorizes a bank to lend money, and is silent as to the rate of interest, the general law will fix it; and should the Legislature, in its discretion, make the rate lower, the corporation as well as individuals will be bound.

So, if a Railroad Company is authorized to establish a gauge with which the Legislature was satisfied,

and during its existence, is controlled by a State director-

or, and a sister State, the com-

merce is wholly *internal*; and the State within which it lies has supreme jurisdiction over its navigation.

Gibbons v. Ogden, 9 wh. 1, Vesey v. Moore, 14, H. 808; Gilman v. Philadelphia, 3 Wall, 713; Passaic bridge, 782.

While such rivers as the Mississippi, with their tributaries, illustrate the powers of Congress over *internal* commerce, that of the Potowmack in Maine (the subject of consideration in *Vesey v. Moore*) equally illustrates *internal* commerce.

In this case it was decided that the navigable waters of a river, lying wholly within the limits of Maine, and inaccessible to the ocean, of importance, and not controlled by any State, were altogether subject to the exclusive control and jurisdiction of the State, and that the commerce of its waters was *internal*.

In the opinion delivered the Court says: "The rule with respect to the regulation of foreign commerce, equally excludes from the regulation of course, that between the United States and Indian tribes, the control over turnpikes, canals, or railroads, or the clearing and deepening of water courses exclusively within the States, or the management of the transportation upon and by means of such improvements."

The Federal Government, under its jurisdiction over commerce other than its internal, has constantly assumed its power to regulate and prescribe the qualities of vessels for foreign commerce.

No one doubts its power to enact that a certain number of life

boats shall accompany every sea-going vessel of a certain tonnage; or that a specific number of life preservers shall be carried on every passenger vessel; or that no vessel shall run at sea unless it be of a certain number of tons; or that a certain number of vessels shall be made of certain kinds of wood.

In other words, the Federal Government may control the material, shape, structure and size of every vessel which floats on waters of commerce it has exclusive jurisdiction.

About the year—steamboat

was burnt on the occasion of the Mississippi River, and many passengers lost, because the boat could not move to shore for the reason that the tiller hempen ropes were burnt.

Under the power to regulate the general commerce on navigable waters, Congress passed a law requiring, among other provisions, that "every steamer carrying passengers shall be provided with wire tilers, ropes, or iron chains, and a davit for the safety of steering and navigating the vessel, and shall employ iron bell pulleys for signifying the engine from the pilot house," &c.

It is not equally certain that each State, which possesses an *internal* commerce, may in the like manner exercise a similar control over the material, shape, structure, size and fittings of a vessel running on its internal waters?

The decision of the Supreme Court of the United States in *Gilman v. Philadelphia*, 3 Wall, 713, and Passaic bridges—*ibid* 782, that it was discretionary with Congress whether it would or would not assert its jurisdiction of regulating commerce with the navigable waters of a State, even if they were not subject to the right of jurisdiction at all; when congress claims it, the State must yield and retire.

It still remains a settled fact, that when water is the buoyant of this vehicle of commerce, the size, material, structure, and equipments of the vessel, boat or ship, wholly within the control of the authority lawfully exercising the power of regulating that commerce.

The canals of a state which are exclusively used within its limits are internal, and constitute a navigation regulated by the state alone, *Vesey v. Moore*.

Railroads are now as much the means of commercial transportation, as are the canals, rivers, and *internal* rivers, like the Kennebec of Maine; and if any other modes of transporting commerce should become feasible and be used for that purpose, *within* a state, that state would have the same right to regulate their size, capacity, material of construction, and all other qualities and advantages for use, employment and satisfaction, as the state must regulate its *internal* commerce, whether carried on by water, by railroads, canals, or other means, *Vesey v. Moore*.

The jurisdiction of the state in regard to its *internal* commerce, as well as that of the United States in regard to commerce not *internal*, is over the *whole* of the country, and not merely over the *vehicle* of transportation, *Gibbons v. Ogden*.

The gauge of the track of a railroad, the material of which it may be built, the height and form of cars used, freight cars, whether over bridges or through the country, or the streets of a city, by day or by night, unless there be some express contract between the company and the State government may regulate the navigation of such streams; but so soon as the Federal Government assumes jurisdiction that of the State is nullified; so, while, in the absence of the State regulation of the gauge, a railroad company may use any gauge consistent with the safety of life and transportation, yet when the superior power assumes its

jurisdiction over the matter the discretion is annulled and controlled. The construction of Railroads, their cars and their gauge must be controlled and regulated by some authority. The width of the gauge, the height of the axle, the elevation and height of the car, are all mathematically dependent on each other for perfection of the roadbed and for the safety of freight as well as the lives of passengers, must be regulated by the circle within which should move the centre of gravity of the super-cum weight. These as also the grade of the track, whether they affect the safety of life or property or the interests of internal commerce are subjects of legislative police, and are subject to no individual or corporation, a portion of its sovereignty, and thereby disqualify itself from doing that for which these ample powers are conferred on it. As is said in *Maeze v. W. & R. R. Co.*, 2, Tred 181, "we should hesitate long before bringing our minds to the conclusion that was the intention of the Legislature to take from the power of the sovereign, that for which all governments are organized—protecting the general welfare, by adopting such measures as a new state of things might make necessary for the benefit of the public; in other words, it is unreasonable to suppose an intention to surrender the means by which it may thereafter be able to effect the purpose for which it was established, or to submit itself to the control of a corporation."

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It is consequently unreasonable to suppose that the General Assembly, by admitting it has the power, makes subject to any individual or corporation, a portion of its sovereignty, and thereby disqualify itself from doing that for which these ample powers are conferred on it. As is said in *Maeze v. W. & R. R. Co.*, 2, Tred 181, "we should hesitate long before bringing our minds to the conclusion that was the intention of the Legislature to take from the power of the sovereign, that for which all governments are organized—protecting the general welfare, by adopting such measures as a new state of things might make necessary for the benefit of the public; in other words, it is unreasonable to suppose an intention to surrender the means by which it may thereafter be able to effect the purpose for which it was established, or to submit itself to the control of a corporation."

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It is consequently unreasonable to suppose that the General Assembly, by admitting it has the power, makes subject to any individual or corporation, a portion of its sovereignty, and thereby disqualify itself from doing that for which these ample powers are conferred on it. As is said in *Maeze v. W. & R. R. Co.*, 2, Tred 181, "we should hesitate long before bringing our minds to the conclusion that was the intention of the Legislature to take from the power of the sovereign, that for which all governments are organized—protecting the general welfare, by adopting

TELEGRAPHIC NEWS.

THE DAILY NEWS IS THE ONLY PAPER IN RALEIGH THAT TAKES THE TELEGRAPHIC REPORTS, AND IS THE ONLY ONE THAT FURNISHES THE LATEST NEWS AND MARKET REPORTS.

NOON DISPATCHES.

FOREIGN AFFAIRS.

The Empress Eugenie will accept no compromise.

The Bismarck Shooting Affair—More of the Schiller Disaster.

PARIS, May 15.—M. Rouher has informed the Government that the Empress Eugenie will accept no compromise of her claims on the civil list, and will bring action demanding the fulfillment of the convention concluded by the De Broglie ministry.

BERLIN, May 15.—The enquiry instituted into Catholic societies of Berlin at the time of Kullmann's attempt to shoot Prince Bismarck, has been closed. The public prosecutor has made charges against their directors and the cases will come up for trial in June.

BERLIN, May 15.—One of the Schiller's officers has informed a correspondent of the Standard that many persons on board the steamer were drunk when she struck, and that several firemen and many steerage passengers lay helpless until they were swept away by the waves.

Far about a hundred and thirty far about a hundred and thirty

people in the dead have been recovered from the wreck of the Schiller.

Others which have been taken from the water just lately are the bodies of the following persons: Jacob Brommer, L. Fabrig, Chief Engineer of the Schiller; William Graham, Davenport, Iowa; Fritz Thomas; Michael Hartmann, Hirschfeld, Ill.; Hartmann, Leonidas, probably one of the Leonidas of Augusta, Ga.; Mrs. Leslie, Oblohn. The body of a lady having a ring marked "Herausian Zinkissen" on one of the fingers; the bodies of two firemen; the bodies of two sailors; five bodies of families, and bodies of some others of the passenger males, which remain unidentified.

A Swallowing Affair in New York.

NEW YORK, May 15.—The rate of duty to which hosiery and other cotton goods are subject was paid upon silk is alleged to have been snatched through appraisers office at under valuation by Charles L. Lawrence. The difference between marks which was paid is, is in chains 1,300 dollars. Suit was begun yesterday in the United States District Court to recover that amount from Lawrence.

MIDNIGHT DISPATCHES.

Washington Items.

WASHINGTON, May 15th.—Nosuccer to Rush Burges, collector of Richmond District, is yet named.

The Indian prisoners confined at Fort Leavenworth will be removed to Marion, Florida.

Judge Pinckard and Ex-Senator Parton, among their positions today as Attorney General and Commissioner Internal Revenue.

A terror stricken knave of Baltimore sends to the Treasury over three thousand dollars which he had withheld from the Treasury.

The Post Office Department has brought suit against the Post Master at Calvert, Texas, for non-delivery of post office boxes amounting to seven hundred dollars, this is the fourth successive Post Master who has been prosecuted for embezzlement during the last four years.

Killed By a Boar.

SPRINGFIELD, Mass., May 15.—Sam'l White, a prominent citizen of Ludlow, was bitten in the thigh by a boar this forenoon and bled to death before assistance could reach him.

Miscellaneous Items.

BOSTON, May 15th.—Fifty thousand dollars worth of alleged crooked whisky seized to day.

RUTLAND, May 15th.—The Ripley Brick Opera House burned to-day. Loss several thousand dollars.

NOTICE.

CITY TAX COLLECTOR'S OFFICE.

Raleigh, N. C., May 13th, 1875.

In pursuance to order of the Board of City Commissioners, I will publish the names of delinquent taxpayers for the fiscal year 1874, for the city of Raleigh. If not paid in the time prescribed by law the property will be sold at auction.

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